

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

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In the Matter of License 1167 (Application 3707)

County of Los Angeles

**ORDER REVOKING LICENSE**

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SOURCE: Warm Springs

COUNTY: Los Angeles County

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**WHEREAS:**

1. License 1167 (Application 3707) was issued to Wm. E. Huyler on April 5, 1932, and recorded by the County Recorder of Los Angeles County on April 13, 1932.
2. The Division of Water Rights (Division) record of ownership of License 1167 was changed to the County of Los Angeles on August 22, 1949.
3. Division staff conducted a compliance inspection of the property served by License 1167 and found that the point of diversion and place of use have been abandoned. The conveyance pipeline is in disrepair and incapable of diverting water to the place of use. The authorized place of use was a swimming pool that has been made incapable of storing water and is being filled in with debris.
4. Mr. Bert Hayman, Associate Director of the Antelope Valley Rehabilitation Centers, stated that water has not been diverted under this license since at least 1986. Section 1241 of the Water Code provides for loss of an appropriative water right after five consecutive years of nonuse of the water. On August 30, 2002, the licensee was provided notice by certified mail of the proposed revocation. The notice provided the licensee the opportunity to object to the proposed revocation and request a hearing. A request for a hearing was not received from, or on behalf of, the licensee. Mr. Hayman contacted Division staff on September 12, 2002 and stated that the licensee would not be contesting the revocation of License 1167.
4. The State Water Resources Control Board (SWRCB) has found that the licensee has failed to apply the water to beneficial use under the terms and conditions of this license.

**THEREFORE IT IS ORDERED:**

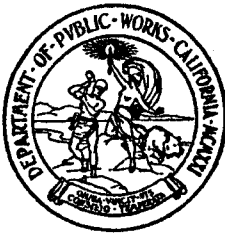
License 1167 is hereby revoked and cancelled upon the records of the SWRCB pursuant to Water Code section 1675 and the water is declared to be subject to appropriation.

STATE WATER RESOURCES CONTROL BOARD

*David R. Buringer*  
for Edward C. Anton, Chief  
Division of Water Rights

Dated: **OCT 8 2002**

cc



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER  
ORDER

APPLICATION 3707

PERMIT 1712

LICENSE 1167

ORDER ALLOWING CORRECTION OF DESCRIPTION OF  
POINT OF DIVERSION AND PLACE OF USE

Licensee having established to the satisfaction of the State Engineer that the correction of description of point of diversion and place of use under Application 3707, Permit 1712, License 1167 for which petitions were submitted on June 18 and June 29, 1945 will not operate to the injury of any other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the description of point of diversion under said Application 3707, Permit 1712, License 1167 to read as follows to-wit:

NORTH, SEVEN HUNDRED (700) FEET AND WEST, TWENTY-FIVE HUNDRED (2500) FEET FROM THE SOUTH ONE-QUARTER CORNER OF PROJECTED SECTION 15, T 6 N, R 16 W, S.B.B.&M., BEING WITHIN THE SW $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SAID PROJECTED SECTION 15, and

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the description of place of use under said Application 3707, Permit 1712, License 1167 to read as follows to-wit:

APPROXIMATELY WITHIN THE SW $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF PROJECTED SECTION 15, T 6 N, R 16 W, S.B.B.&M., BEING A TRACT OF LAND IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING HOMESTEAD ENTRY SURVEY NO. 82, EMBRACING A PORTION OF THE SW $\frac{1}{4}$  OF APPROXIMATELY SECTION 15, T 6 N, R 16 W, S.B.B. & M., DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER NO. 1 FROM WHICH THE U. S. LOCATION MONUMENT NO. 149 BEARS SOUTH 43°30' EAST 3.70 CHAINS;



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

ORDER

APPLICATION 3707

PERMIT 1712

LICENSE 1167

THENCE NORTH  $70^{\circ}38'$  EAST 9.40 CHAINS TO CORNER  
NO. 2; THENCE NORTH  $45^{\circ}50'$  WEST 10.60 CHAINS TO  
CORNER NO. 3; THENCE SOUTH  $55^{\circ}20'$  WEST 5.07 CHAINS  
TO CORNER NO. 4; THENCE SOUTH  $20^{\circ}47'$  EAST 8.10  
CHAINS TO THE POINT OF BEGINNING.

WITNESS my hand and the seal of the Department of Public Works  
of the State of California this 2nd day of July, 1945.

  
EDWARD HYATT, State Engineer.

WEC:NHM





STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

Notice of Assignment (Over)

License for Diversion and Use of Water

LICENSE 1167

PERMIT 1712

APPLICATION 2707

DATE RECD 5/15/35 ASSIGNMENT TO Patrick S. & Ruth O. Reilly  
THIS IS TO CERTIFY, That William S. Huyler of Los Angeles, California

ASSIGNMENT MADE 1/17/40 to Martin G. Wollan  
has made proof to the satisfaction of the Division  
of Water Resources of California of a right to the use of the waters of Warm Springs in Los Angeles  
County

tributary of Elizabeth Lake Canyon thence Castac Creek, and Santa Clara River

for the purpose of recreational use

under Permit 1712 of the Division of Water Resources and that said right to the use of said waters has  
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources  
and the terms of the said permit; that the priority of the right herein confirmed dates from November 5, 1923;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed twenty thousand (20,000)  
gallons per day from January 1st to December 31st of each season.

Amended by order of 2-2-45

The point of diversion of such water is located North seven hundred (700) feet and West  
twenty-five hundred (2500) feet from the southeast corner of Section 15,  
T 6 N, R 16 W, S.B.B. & M., being within the SW<sup>1</sup> of SE<sup>1</sup> of said Section 15.

Amended by order of 2-2-45

A description of the lands or the place where such water is put to beneficial use is as follows:

Within the SW<sup>1</sup> of SE<sup>1</sup> of Section 15, T 6 N, R 16 W, S.B.B. & M.

Water is returned to Elizabeth Lake Canyon within the SW<sup>1</sup> of SE<sup>1</sup> of  
Section 15, T 6 N, R 16 W, S.B.B. & M.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of  
diversion herein specified and to the lands or place of use herein described.

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This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated; but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any right granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereof of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and provided, further, that when such municipality shall desire to use the additional waters granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public

Works of the State of California, this 5th  
day of April, 1932

EDWARD HYATT  
State Engineer

By Harold Carkling  
Deputy



5/15/40 RECEIVED NOTICE OF ASSIGNMENT TO Benton M. Beards  
5/17/45 RECEIVED NOTICE OF ASSIGNMENT TO Patrick Cohen  
8/19/49 RECEIVED NOTICE OF ASSIGNMENT TO County of Los Angeles

LICENSE 1167

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER

ISSUED TO William L. Hyatt

DATED April 5, 1932